



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,888	05/24/2001	Kok-Hwee Ng	F4-5733 (1417P-596)	2259

7590 08/08/2006
Bradford R.L. Price, Esq.
Baxter International Inc.
RLP-30
Route 120 and Wilson Road
Round Lake, IL 60073

EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT PAPER NUMBER

3626

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/864,888	Applicant(s) NG ET AL.	
	Examiner Mike Tomaszewski	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-84,86-91 and 93-143 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-84,86-91 and 93-143 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/24/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the amendment filed on 6/22/2006. Claims 1-48, 85, and 92 have been canceled. Claims 49-50, 86, 89-90, 98-99, 105, and 140 have been amended. Claims 49-84, 86-91, and 93-143 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 49-84, 86-91, and 93-143 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher-Haynes et al. (US 2001/0034614; hereinafter Fletcher), as applied in the previous Office Action and incorporated herein, and further in view of Official Notice.

(A) Currently amended claim 49 has been amended to recite, "said blood component collection application including a blood component collection initialization code segment and an arm-prep code segment."

Fletcher discloses a "Prepare Procedure Wizard" software module that leads the operator through the procedure preparation process (i.e., "said blood component application including a blood component collection initialization code segment") (Fletcher: par. [0121]).

As per the limitation of "an arm-prep code segment," Examiner takes Official Notice that the technique of "arm-prepping" is old and notoriously well known within the medical and blood collection arts. For example, blood donation, intravenous drug delivery, and intravenous feeding, are but a few of the numerous medical procedures that implement "arm-prep" techniques that were used well prior to Applicant's invention. Examiner also notes that merely automating (i.e., code segment) a manual activity (i.e., arm-prep) is not sufficient to distinguish Applicant's invention over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Lastly, Examiner respectfully submits that arm prepping is a process that is inherent to extracorporeal blood collection and readily apparent to skilled artisans.

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the technique of "arm-prepping" with the teachings of Fletcher with the motivation of facilitating a medical procedure.

Art Unit: 3626

(B) Claims 50-84, 86-91, and 93-97 are rejected for substantially the same reasons given in the previous Office Action and incorporated herein.

(C) Currently amended claim 98 has been amended to recite, "a fifth segment for initializing a blood component collection process" and "a sixth segment for initiating an arm-prep process."

As such, claim 98 substantially repeats the same limitations as those of currently amended claim 49 and therefore, is rejected for the same reasons given for claim 49 above and incorporated herein.

(D) Claims 99-142 are rejected for substantially the same reasons given in the previous Office Action and incorporated herein.

(E) As per claim 143, Fletcher discloses the limitation of "a disconnect-blood-component-donor procedure" (Fletcher: par. [0191]; "the *donor is disconnected* from the apheresis system" (emphasis added)).

Examiner also takes Official Notice that the technique of disconnecting a blood component donor is old and notoriously well known within the medical and blood collection arts. For example, blood donation, intravenous drug delivery, and intravenous feeding, are but a few of the numerous medical procedures that implement blood component donor disconnection techniques that were used well prior to Applicant's invention.

Lastly, Examiner respectfully submits that disconnecting a blood component donor is a process that is inherent to extracorporeal blood collection and readily apparent to skilled artisans.

Response to Arguments

4. Applicant's arguments with respect to claim 49-143 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments filed 6/22/2006 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 6/22/2006.

(A) On pages 22-23 of the 6/22/2006 response, Applicant argues that Fletcher does not fairly disclose or teach a system of the type claimed in claim 49 that includes an arm-prep code segment, a computer readable medium of the type claimed in claim 98 that includes an arm-prep process, or a method of the type claimed in claim 143 that includes an arm-prep code procedure and a disconnect-blood-component-donor procedure.

Examiner respectfully submits that these arguments have been addressed in section 3. (A) – (E), *supra*.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied art teaches systems and methods for storing, retrieving, and manipulating data in medical processing devices (6,256,643).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

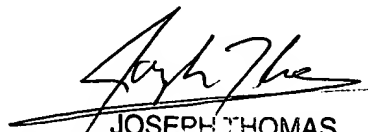
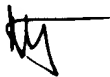
Art Unit: 3626

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT



JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER